

THE HONOURABLE SRI JUSTICE B.SESHSASAYANA REDDY

-

W.P.No. 24246 OF 2003

Dated: 31st October, 2005.

-

Between:

1. Pedda Rajaveeru and Others ...Petitioners

A N D

1. The Revenue Divisional Officer, Mulugu,
Warangal District and Others ...Respondents

-

-

-

-

-

-

-

-

-

-

-

-

-

-

— — — — —

THE HONOURABLE SRI JUSTICE B.SESHSASAYANA REDDY

2

W.P.No. 24246 OF 2003

ORDER:

—

1. This writ petition has been filed assailing the action of the Project Officer, Singareni Collieries Company Limited, Bhupalapalli, Warangal District-3rd respondent and the Station House Officer, Bhupalapalli, Warangal District-4th

respondent in interfering with the possession and enjoyment of the petitioners over an extent of 0-03 gts each comprising Survey Nos. 320, 321 and 322.

2. The petitioners are residents of Bhupalapally village. They claimed to be in occupation to an extent of 0-03 gts each in Survey No. 320,321, 322. It is their case that they purchased the property from the landholder and the lands purchased by them came to be excluded from the holding of the landholder-declarant as per the orders passed by the Land Reforms Tribunal, Manthani in C.C.No.MN/1272/75, dated 17-10-2000. It appears the 3rd respondent sent requisition to the Revenue Divisional Officer, Manthani, for acquisition of the lands for construction of quarters to its employees. The proposal sent by the 3rd respondent came to be turned down by the Revenue authorities. Since the authorities of Singareni Collieries Company Limited, Bhupalapalli and the Station House Officer, Bhupalapalli have been interfering with the possession of the petitioners, they resorted to approach this Court seeking direction not to interfere with their possession.

3. Counter affidavits have been filed by the respondents 2,3 and 4.

4. It is stated in the counter affidavit of the 2nd respondent-Mandal Revenue Officer, Bhupalapalli Mandal, that the acquisition of the land is for residential quarters (workmen quarters) but not for extraction of coal. Poor artisans have purchased these lands for their residential purpose and alternative land is available around Bhupalapally.

5. Counter affidavit of the 3rd respondent is that the land in question is necessary for the purpose of opening mines and township and therefore, requisition has been sent to the Revenue Authorities to acquire the land. I deem it appropriate to refer para 6 of the counter affidavit and it is thus:

“With reference to averments in paras 1 to 3 it is submitted that the 3rd respondent submitted the requisition for lease of ceiling surplus land to an extent of Ac. 9-36 guntas situated in Survey Nos. 319,320, 321, 322 and 323 situated in Bhoopalapalli village and Mandal for the purpose of opening of mines and township to District Collector of Warangal on 6-2-1994. Later on the 3rd respondent requested RDO/Mulugu to give advance possession of the above said land. Further, RDO/Mulugu vide his letter bearing No.B/298/2001 dated 21-03-2001 directed the MRO to inspect the lands and send alienation proposals.

Further, MRO, Bhoopalapalli vide his LR. No. B/579/97 dated 7-4-2001 informed RDO that the aforesaid survey numbers viz. 319 to 323 to an extent of Ac. 9.36 guntas was declared surplus and possession of the land was taken by him on 19-08-1996 suo-motu under Section 166-B, A.P. Telangana Area L.R. Act, 1316 Fasli”.

6. Counter affidavit of 4th respondent is that he never interfered with the possession of the petitioners in respect of the land in question.

7. Heard the learned counsel for the petitioners and learned Government Pleader for Revenue appearing for the Respondents No.1 and 2, learned standing counsel appearing for the Respondents No.3 and learned Government Pleader for Home appearing for Respondent No. 4.

8. It is no more in dispute that the petitioners are in possession of the land. The land in question came to be excluded from the holding of the declarant in pursuance of the order passed by the Land Reforms Tribunal. The proposal sent by the 3rd respondent for acquisition of the land to construct quarters for its employees came to be turned down by the Revenue Authorities. The Mandal Revenue Officer, Bhupalpalli submitted detailed report to the Revenue Divisional Officer, as to how the acquisition of land in question was not feasible. I deem it appropriate to refer the relevant portion of the letter addressed to the Revenue Divisional Officer, Mulug by the Mandal Revenue Officer, Bhupalpally and it is thus:

“The purchasers of the land are represented vide reference 5th cited that the SCC Ltd., Bhupalapally authorities have objected for constructions houses of them on their land and also complaint made before the S.I. of Police, Bhupalpally on 22-12-2001. The Police authorities were stopped the work.

In view of the above, the land bearing Sy.Nos. 320,321 and 322 an extent of 3-29 acres was already handed over to the purchasers according to the Land Reforms Tribunal and RDO, Manthini and instructions of the RDO, Mulug. Hence, the question of land belongs to SCC Ltd., does not arise. The SCC Ltd has unnecessary creating law and order problems. Therefore, I request the Revenue Divisional Officer, Mulug to direct the SCC Ltd., authorities not to interfere in the land and not to create the law and order problems in this regard”.

9. The material brought on record clearly establishes that the petitioners are in possession of land comprising Survey No. 320, 321 and 322. So far no acquisition proceedings have been initiated by the authorities. In that view of the matter, I deem it appropriate to dispose of the writ petition giving direction to the respondents not to interfere with the possession of the petitioners till the land in question is acquired in accordance with the provisions of the law. No order as to costs.

B.Seshasayana Reddy,J

31st October, 2005

KM

THE HONOURABLE SRI JUSTICE B.SESHSASAYANA REDDY

W.P.No. 24246 OF 2003

-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-

31st October, 2005.

-
-

-